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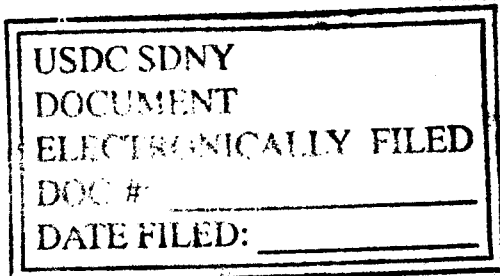
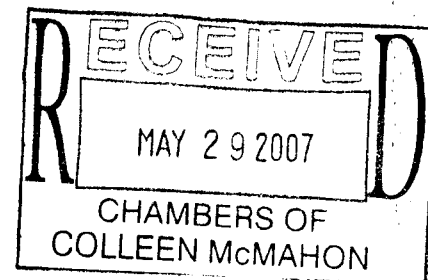
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May 25, 2007



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BY FACSIMILE

Honorable Colleen McMahon
United States District Judge
United States Courthouse
300 Quarropas Street, Room 533
White Plains, New York 10601-4150

Client No.
T 94625-00001

*5/29/07
Motion due
6/22 response due 6/25,
Colleen M. McMahon
USDC*

MEMO ENDORSE

Re: *In re Veeco Instruments Inc. Sec. Litig.*, No. 7:05-MD-01695 (CM)(GAY)

Dear Judge McMahon:

I am counsel for Defendants in the above-referenced action. Counsel for Lead Plaintiff recently informed Defendants and Magistrate Judge Yanthis that its accounting expert, Robert Berliner, intended to submit a supplemental expert report no earlier than June 8, 2007. In response, Magistrate Judge Yanthis issued an Order earlier this afternoon (attached hereto) directing both sides to complete the deposition of accounting experts by June 19, 2007.

Under the current scheduling order, all motions in limine are due on June 1. Since a purpose of an expert deposition, of course, is to evaluate the potential for a motion in limine relating to the expert, Defendants respectfully request that the deadline for any motion in limine relating to Mr. Berliner be extended to one week after Mr. Berliner's deposition is taken.

Respectfully submitted,

Robert F. Serio

Robert F. Serio

Enclosure(s)

GIBSON, DUNN & CRUTCHER LLP

Honorable Colleen McMahon

May 25, 2007

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cc: Hon. George A. Yanthis (via facsimile)
Arthur Stock, Esq. (via e-mail)
Carole A. Broderick, Esq. (via e-mail)
Phyllis M. Parker, Esq. (via e-mail)
Shane T. Rowley, Esq. (via e-mail)
Paul J. Scarlato, Esq. (via e-mail)

MAY 23 2007 TUE 07:33 PM

HON. GEORGE A. YANTHIS, JUDGE
FAX NO.

May 25 2007 01:53pm 1002/002
P. 02

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May 21, 2007

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VIA FACSIMILE

Honorable George A. Yantis
United States Magistrate Judge
United States Courthouse
300 Quarropas Street
Room 113
White Plains, New York 10601-4159

Re: *In re Veeca Instruments Inc. Sec. Litig.*, 05 MD 1695 (CM) (GAY)

Honorable Magistrate Judge Yantis

I am counsel to Defendants in the above-referenced action. I write to request reconsideration of Your Honor's ruling that the deposition of Lead Plaintiff's accounting expert, Robert Berliner, should go forward on May 30, 2007. Defendants were preparing a response to the May 21, 2007 letter of Carol Broderick, counsel for Lead Plaintiff, on this issue when we received Your Honor's ruling. For the reasons stated, Ms. Broderick's proposal to proceed with Mr. Berliner's deposition eight days before he provides a "supplementation" of his earlier report to give his opinion on facts that he has recently learned is contrary to the Federal Rules and prior orders of this Court requiring expert depositions to come after, not before, reports are served.

The background facts are as follows:

I spoke to Ms. Broderick on May 17, 2007 concerning the possibility of scheduling Mr. Berliner's deposition on May 30, 2007. Ms. Broderick informed me for the first time during this conversation that Mr. Berliner intended to submit a supplemental expert report on May 29, 2007. Ms. Broderick did not propose, as she now states in her letter, to delay Mr. Berliner's deposition on May 30, if possible, until after the subject matter that would be addressed in a supplemental report, rather than the supplemental report itself. I informed Ms. Broderick that Defendants likely

SO ORDERED:
George A. Yantis
Hon. George A. Yantis
United States Magistrate Judge.
5/25/07

Client No.
94625-00001

Deposition of accounting expert is granted. The time for Lead Plaintiff's deposition of defendant's accounting expert is extended to June 15, 2007. Any request concerning motion to limit dates must be sent to Subpoena. All other dates remain same.

NEW YORK, NEW YORK, WASHINGTON, D.C., SAN FRANCISCO, PALO ALTO,
CHICAGO, LOS ANGELES, BOSTON, ORANGE COUNTY, CENTURY CITY, DALLAS, DENVER